



FROM: Teton County Planning and Zoning Commission and Planning Staff

RE: Article 14- Administration Summary of Changes.

DATE: February, 2015

Introduction

Each section (Article) of the new Land Use Code will be reviewed to make sure it is in compliance with prior established goals, policies and procedures. This document is to highlight the changes from the current code, the options available and why the proposed options were chosen.

Article 14 Administration. The purpose of this Article is to identify the approving party for each land use action, to explain the approval process for each land use action and to clarify the appeals procedure of each action.

In our current code the provision below can be found in Title 8-6, 8-7, 8-8, Title 9-1, 9-3, 9-7, 9-8.

What was changed in the new code.

*Signifies further explanation below

General-

- 1) The whole process from application to appeal is laid out together.
- 2) The Approval Criteria each decision making entity uses is specifically stated
- 3) Appeal procedure is included for each type of decision (including reconsideration per Idaho State Code 67-6535)
- 4) Standardized layout of approval processes
- 5) Elimination of a permit for "Permitted with Conditions"*
- 6) Elimination of the Temporary Use Permit*

Specifically-

- 1) Div. 14.1- The inclusion of a chart identifying the "Review, Approval and Appeal Authority" along with the Public Noticing.
- 2) Div. 14.1- Categorizing the type of approval (Legislative, Subdivision, Quasi-Judicial, Administrative)*
- 3) Div. 14.2- Inclusion of the Development Review Committee and Neighborhood Meeting
- 4) Div. 14.3- Clear explanation of the review of an application
- 5) Div. 14.3- Explicit Public notice requirements (Idaho State Code 67-6509)
- 6) Div. 14.4- Who can apply for Legislative actions updated*
- 7) Div. 14.5.11- The Land Division option was included
- 8) Div.14.5.14- Short Plat Option added
- 9) Div.14.5.35- Length of time to Complete Subdivision added
- 10) Div. 14.8- Appeal of administrative decisions outlined

How it meets the goals identified at the outset of the code writing process

1. **The Zoning Code is not always clear in regards to the process or the requirements.**
 - a. The proposed code clearly lays out the steps involved and the criteria associated with each step.
2. **The Zoning Code does not provide usable options for developing or dividing land.**
 - a. The proposed Article 13 identifies additional land division options as was specified in the Comprehensive Plan (Large lot splits, Family Lot Split, Short Plat, p.6-32, 6-34)
3. **The new code needs to do a better job of protecting and promoting the resources Teton County has.**
 - a. This Article's main focus is on the process and the rights of the public, property owner and affected parties. However, through the approval process there are items that will be required with the application (depending on the zone) that will be evaluated and used in making a decision for approval.
4. **The new code should allow for flexibility and creativity in the design.**
 - a. The approval process for subdivisions outlined in Article 14, combined with the forth coming zones (Article 4) will allow for an applicant to utilize productive feedback through the approval process, clear standards, and a review process that requires focus on design to creatively develop new projects here in the valley (Comprehensive Plan p. 4-9).
5. **The new code needs to provide a more useful mechanism for revising existing undeveloped subdivisions.**
 - a. Division 14.11 clearly lays out the process for modifying a previous approval, including expired subdivision approvals (Comprehensive Plan p. 6-32). Other tools such as the TDR program will be found in other articles (Article 9).

Areas of further explanation:

Elimination of a permit for "Permitted with Conditions"

In review of the current procedures it was found that there was little need for requiring a permit for a use that is permitted, even if it does require certain conditions being met. Rather than requiring a permit, the standards for the use will be clearly identified in the code. The county will have several opportunities to ensure that the conditions are being met, such as access permits, building permits or even code enforcement. It would be ideal if the County was to look at business licensing in the future, but there are enforcement measures in place.

Elimination of a permit for "and the "Temporary Use Permit"

Also in review of our current procedures, we identified a duplicate procedure with the Temporary Use Permit. The County's Emergency Services office worked extensively to develop a procedure for coordination and approval from local agencies (fire, health, law enforcement, etc.) in review events in the county. This procedure was essentially doing the same thing as the Temporary Use Permit. The duplication was unnecessary, so we are eliminating the Temporary Use Permit in the Land Use Code in favor of the Planned Event Permit procedure

Div. 14.1- The approval processes are updated

As PZC reviewed the approval procedure several issues were discussed (public hearing fatigue for the PZC, BOCC, Public and Staff, clear and conscience procedures, etc.) prior to deciding on the current format of approvals. Idaho State Code does not require a public hearing for a subdivision (Full Plat) approval. Currently Teton County requires 4-5 public hearings for a subdivision (Full Plat). In reviewing the procedures, it seemed appropriate to incorporate one public hearing for each step of approval for a total of three public hearings. This will clarify the process for the public and the applicant, providing a "fair" number of opportunities to comment. It was agreed that our current system dilutes public comment (or causes them to wait until the last possible moment to comment), yet the public does have an expectation to be able to comment. Three public hearing appeared to be the best option.

Div. 14.4- Who can apply for Legislative actions updated

Legislative actions are very important, as they impact the entire community. Changing what is allowed in a certain zone affects all of that zone, not just a single property that may be seeking the change. Legislative actions include not only changing the zoning code, but could include changing the Comprehensive Plan as well. Due to the fact that these types of changes impact multiple land owners and possibly the whole community, it is important that these changes are initiated from the BoCC, PZC or the Planning Administrator. That does not prevent the public from identifying necessary changes or proposing changes. It is not proper to require one applicant to apply, pay the fees and argue the case for a change that would benefit the community.

Comprehensive Plan Goals addressed in this section

Goal ED 2: Preserve our rural character and heritage and promote local agricultural industries.

Goal ED 2, Policy 2.1: Encourage development and land use proposals that support prime economic values of rural character and heritage.

Goal ED 2, Policy 2.2: Promote local agricultural industries and businesses.

Goal ED 2, Policy 2.3: Promote smart growth strategies that help preserve rural character by enhancing existing communities and directing development towards them.

Goal ED 2, Policy 2.5: Encourage development that adheres to environmental standards.

Goal ED 2, Policy 2.6: Encourage policies and resources which enable farms to adapt to changing paradigms.

Goal ED 3: Recognize that tourism and lifestyle are fundamental components of our economy and are dependent on healthy natural resources.

Goal ED 3, Policy 3.2: Conserve Teton County's natural resources in order to enhance economic development.

Goal ED 4: Accommodate additional population by supporting development that is economically responsible to the County and the community.

Goal ED 4, Policy 4.1: Assess the public service requirements of new developments and weigh their off-site impacts against projected changes in revenue before approving new developments.

Goal ED 4, Policy 4.3: Consider the economic impact of supply and demand in residential development.

Goal ED 4, Policy 4.4: Utilize a variety of regulatory and incentive-based tools to reduce density in sensitive areas and encourage density in areas where services exist.

Goal ED 4, Policy 4.8: Encourage the development of low-density, high-quality neighborhoods adjacent to existing cities.

Goal ED 4, Policy 4.9: Maintain rural areas that encourage farming and ranching and support low density residential development.

Goal NROR 2: Enhance and preserve access to public lands and recognize the need to accommodate different user groups in a way that minimizes user conflict and damage to natural resources.

Goal NROR 2, Policy 2.6: Work with state and federal agencies and private landowners to protect environmentally-sensitive areas from resource degradation.

Goal NROR 4: Balance private property rights and protection of our natural resources.

Goal NROR 4, Policy 4.1: Ensure that development regulations balance natural resources protection, viewshed protection and growth, are clear and predictable, and preserve the economic value of the land.

Goal ARH 1: Preserve and enhance Teton Valley's small town feel, rural heritage and distinctive identity.

Goal ARH 1 Policy 1.1: Ensure that planned growth maintains Teton Valley's rural character.

Goal ARH 1 Policy 1.2: Encourage vacation of subdivision plats where appropriate and viable.

Goal ARH 2: Balance property rights and rural character.

Goal ARH 2 Policy 2.2: Provide a means for transfer of agricultural land to family members.

Goal ARH 2 Policy 2.3: Incentivize maintaining or creating large parcels.

Goal ARH 3: Support and enhance agriculture and ranching.

Goal ARH 3 Policy 3.1: Recognize the Right to Farm Act.